

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rito
Vallecitos

**MOTION FOR DEFAULT JUDGMENT FOR ALL UNIDENTIFIED AND UNKNOWN
WATER RIGHT CLAIMANTS OF INTEREST IN THE RIO DEL OSO & RITO
VALLECITOS OF SECTION 1 OF THE RIO CHAMA STREAM SYSTEM**

COMES NOW Plaintiff, State of New Mexico, and moves the Court to enter its Order
granting default judgment against the following defendants:

UNIDENTIFIED AND UNKNOWN WATER RIGHT CLAIMANTS OF INTEREST TO
SURFACE WATERS FOR IRRIGATION PURPOSES OF THE RIO DEL OSO AND
RITO VALLECITOS IN SECTION 1 OF THE RIO CHAMA STREAM SYSTEM

and as grounds therefore plaintiff states:

1. Under the *Procedural Order for the Adjudication of Water Rights Claims in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System*, individuals who claim water rights in the Rio del Oso & Rito Vallecitos who were not included in the State's Hydrographic Survey were required to file a statement of omitted claim with the Court on or before December 5, 2016. *See* *Procedural Order for the Adjudication of Water Rights Claims in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System* (Doc. 11119), paragraph IV(C).
2. The Court has jurisdiction over Unidentified and Unknown Water Right Claimants of

Interest to Surface Waters for Irrigation Purposes of the Rio del Oso and Rito Vallecitos in Section 1 of the Rio Chama Stream System as shown by the *Proof of Publication of Notice of Pendency of Suit for the Rio del Oso & Rito Vallecitos of Section 1 of the Rio Chama Stream System* filed September 27, 2016 (Doc. No. 11156).

3. The Defendants named above are in default for failure to appear, answer, or otherwise defend in this cause, as shown by the *Clerk's Certificate of Default for All Unknown Claimants of Interest in the Rio del Oso & Rito Vallecitos of Section 1 of the Rio Chama Stream System* filed March 15, 2017 (Doc. 11239).

WHEREFORE, Plaintiff, State of New Mexico, requests the Court enter its Order granting judgment by default against all Unidentified and Unknown Water Right Claimants of Interest to Surface Waters for Irrigation Purposes of the Rio del Oso and Rito Vallecitos in Section 1 of the Rio Chama Stream System, find that these Defendants have no surface water irrigation rights in the Rio del Oso and Rito Vallecitos Section 1 of the Rio Chama Stream System, and forever bar the assertion of additional claims in these proceedings to the use of surface water for irrigation purposes in the Rio del Oso and Rito Vallecitos Section 1 of the Rio Chama Stream System.

Respectfully submitted,

/s/ Leila Reilly
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Certificate of Service

I certify that on April 3, 2017, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Leila Reilly
Leila Reilly